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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,686	08/25/2003	Sharidan Lorraine Stiles	STILES.IC1CP1	3777
20995 7590 04/18/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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jcartec@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No. 10/648,686	Applicant(s) STILES, SHARIDAN LORRAINE	
	Examiner Jason Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12, 15, 21-24, 27, 28 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 15, 21-24, 27, 28 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/09/07</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Appendix A-D</u> . |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "extension angle that is less than or equal to ninety degrees", of claim 1 must be shown or the feature(s) canceled from the claim(s). It is clear from Figure 6A that a complimentary angle to angle B is less than ninety degrees. To overcome this rejection applicant must add a reference numeral to the specification and to Figure 6A, pointing to angle B's complimentary angle that faces the front of the razor. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8, 21, 22, 27, 28, and 33-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claims 1 and 4, the newly added phrases “wherein said extension angle is defined by line segments extending from the intersection of said second and third axes along portions of said second and third axes that lie in said middle and upper longitudinal portions of said handle” and “wherein said contour angle is defined by line segments extending from the intersection of said first and second axes along portions of said first and second axes that lie in said lower and middle longitudinal portions of said handle” are confusing. It is unclear if the “line segments” are representing the same thing as the axes that form the angle. As written, the axes form the intersection but then the line segments extend from the intersection and define the angle (see Appendix D). If this is the case, the line segments could define any angle as long as the line segments extend along portions of the axes. It is uncertain if each of the line segments represents an axis or if the segments are separate from the axis. If the line segments are separate from the axes, this is considered new matter.

Claim Rejections - 35 USC § 102

Art Unit: 3724

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 7, 8, 21, 27, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Heller (4,700,477).

Claims 1, 7, 8, and 21 (See Appendix A for examiner added reference numerals):

In regards to claim 1, Heller discloses the same invention including a handle portion having lower (102), middle (101), and upper longitudinal portions (100), a head portion (14) having a razor blade with a straight cutting edge attached to the upper portion (16), the head portion and razor blade are capable of shaving hair (Title), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the second and third axes form a fixed extension angle that is 90° (104), wherein the extension angle is defined by line segments extending from the intersection of the second and third axes along portions of the second and third axes (A and B), the extension angle faces the front of the razor (104), the first and second axes intersect at a single point (BC) and form a fixed contour angle that is less than 180° (105), wherein the contour angle is defined by line segments extending from the intersection of the first and second axes along portions of the first

and second axes (B and C), the contour angle faces the front of the razor (105) and the head portion has a width of less than one inch (Column 2 lines 27-30).

In regards to claim 7, Heller discloses the lower longitudinal portion comprises a first curved shape (102a), the middle longitudinal portion comprises a second curved shape (101a), and the first and second curved shapes form an ergonomically grip (Fig. 2).

In regards to claim 8, Heller discloses a glide surface area (18 and 34) and a blade area (22), and the glide surface area is larger than the blade area (Fig. 3).

In regards to claim 21, Heller discloses the head portion has a width of less than $\frac{1}{4}$ inch (Column 2 lines 27-30).

Claims 4, 27 and 37 (See Appendix B for examiner added reference numerals):

In regards to claim 4, Heller discloses the same invention including a handle portion having lower (102), middle (101), and upper longitudinal portions (100), a head portion (14) having a razor blade with a straight cutting edge attached to the upper portion (16), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the second and third axes form a fixed extension angle that is greater than 90° (104), wherein the extension angle is defined by line segments extending from the intersection of the second and third axes along portions of the second and third axes (A and B), the extension angle faces the front of the razor (104), the first and second axes intersect at a single point (BC) and

form a fixed contour angle that is less than 180° (105), wherein the contour angle is defined by line segments extending from the intersection of the first and second axes along portions of the first and second axes (B and C), the contour angle faces the front of the razor (105) and the head portion has a width of less than one inch (Column 2 lines 27-30).

In regards to claim 27, Heller discloses the head portion has a width of less than $\frac{1}{4}$ inch (Column 2 lines 27-30).

In regards to claim 37, Heller discloses a glide surface area (18 and 34) and a blade area (22), and the glide surface area is larger than the blade area (Fig. 3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Heinrich (2,139,680). Heller discloses the invention but fails to disclose a disposable head portion and the head portion is pivotally mounted on the handle portion.

Heinrich teaches a disposable head portion (16) that is pivotally mounted on the handle portion (13). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller with a replaceable pivoting head

portion, as taught by Heinrich, to allow the user to be able to easily remove/discard the head portion and keep the handle.

8. Claims 5, 6, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Carreker (4,461,078). Heller discloses the invention but fails to disclose a length of the upper longitudinal portion is greater than the width of the head portion and a second razor blade mounted substantially parallel to the razor blade. Carreker teaches that it is old and well known for miniature grooming shaving heads to incorporate a length of the upper longitudinal portion is greater than the width of the head portion (18) and a second razor blade mounted substantially parallel to the razor blade (21). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller with the length and a second blade, as taught by Carreker, to provide the user with a larger cutting surface.

9. Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller. Heller discloses the invention but fails to disclose a head portion that is equal to or less than $1/8$ inch wide. It is noted that $1/8 = 2/16$. Heller discloses the width to be approximately $3/16 - 1/4$. Approximately roughly means near and $2/16$ is near $3/16$. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion $1/8$ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves

only routine skill in the art. Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion 1/8 inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claims 22 and 28.

10. Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb (Des. 169,147). In regards to claim 10, Heller discloses the invention including a handle portion (10), a head portion attached to the handle portion and formed with at least one razor blade having a straight cutting edge (14 and 16), the head portion is less than 1/2 inch wide (Column 2 lines 27-30), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the handle portion is capable of providing increased control over the head portion during shaving (Fig. 1), the handle portion further comprises a lower longitudinal portion of a first curved shape (102a), a middle longitudinal portion of a second curved shaped attached lengthwise to the lower longitudinal portion (101a), and a waist portion is formed between the first and second curved shape (101).

In regards to claim 23, Heller discloses the head portion has a width of less than 1/4 inch (Column 2 lines 27-30).

However, Heller fails to disclose an ergonomically shaped handle and the handle portion has a front perspective that is substantially hour-glass in shape.

Lamb teaches that it is old and well known in the art of razor handles to incorporate an ergonomically shaped handle and the handle portion has a front perspective that is substantially hour-glass in shape (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller with the an ergonomically shaped handle, as taught by Lamb, to allow the handle to better conform to the user's hand.

11. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb as applied to claim 10 above, and further in view of Heinrich. Heller in view of Lamb disclose the invention but fail to disclose a replaceable head portion and the head portion is pivotally mounted on the handle portion.

Heinrich teaches a replaceable head portion (16) that is pivotally mounted on the handle portion (13). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller in view of Lamb with a replaceable pivoting head portion, as taught by Heinrich, to allow the user to be able to easily remove/discard the head portion and keep the handle.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb as applied to claim 10 above, and further in view of Carreker. Heller in view of Lamb disclose the invention but fail to disclose a second razor blade mounted substantially parallel to the razor blade.

Carreker teaches that it is old and well known for miniature grooming shaving heads to incorporate a second razor blade mounted substantially parallel to the razor blade (21). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller in view of Lamb with a second blade, as taught by Carreker, to provide the user with a larger cutting surface.

13. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb. Heller in view of Lamb disclose the invention but fail to disclose a head portion that is equal to or less than $1/8$ inch wide. It is noted that $1/8 = 2/16$. Heller discloses the width to be approximately $3/16 - 1/4$. Approximately roughly means near and $2/16$ is near $3/16$. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion $1/8$ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion $1/8$ inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation.

Therefore, it would have been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claim 24.

Response to Arguments

Applicant's arguments filed 09 March 2007 have been fully considered but they are not persuasive. In regards to Heller not disclosing an extension angle facing the front of the razor being less than or equal to 90 degrees, claim 1 does not disclose the locations of the second and third axes. All claim 1 discloses is that a middle portion extends along a second axis and the upper portion extends along a third axis. As long as a portion of the middle or upper parts extends along the second or third axes they will anticipate the claim. Therefore, the middle or upper parts extend along re-drawn axes as shown in Appendix A. On page 8 of the argument, applicant provides a picture showing that angle C (105 in the Office action) is larger than 180 degrees. However, as drawn, angle C is a combination of 3 of the 4 angles created by the intersection. Using Appendix C, shows that using the same way of measuring also creates an angle larger than 180 degree in applicant's apparatus (C'). Dictionary.com defines shave: to remove hair from (the face, legs, etc.) by cutting it off close to the skin with a razor or to cut or trim closely. Heller is perfectly capable of performing a shaving function. In order for the head of Heinrich to be mounted onto the body, it must be rotated or pivoted about shaft 13 (like a screw), making it pivotally mounted to the handle. When the head is apart from the shaft it is old and well known that one could throw it away making it capable of being disposable. Carreker clearly shows the upper portion is greater than the width of the head portion. Lamb clearly teaches it is old and well known for razors

to incorporate ergonomic handle. Lamb is being used to teach shape not size. It would be obvious to one of ordinary skill in the art to provide Heller with an appropriate sized handle with an ergonomic shape.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:00-4:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

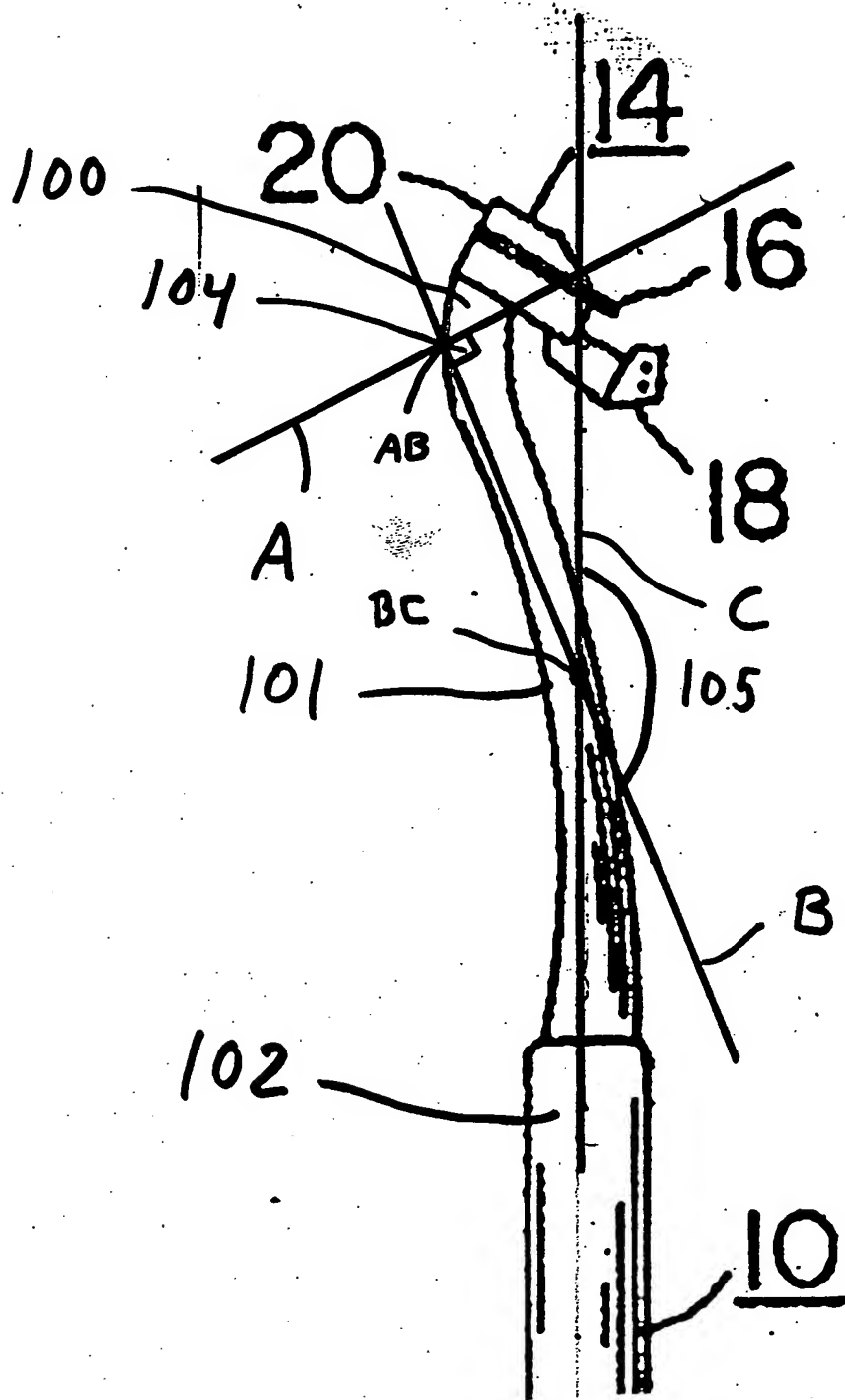
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April 11, 2007

Patent Examiner
Jason Prone
Art Unit 3724
T.C. 3700



Appendix B



Art Unit: 3724

Appendix C

